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18 June-6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by Thalassaemia International Federation Limited, Agrenska Foundation (Grosshandlare Axel H. Agrens Donationsfond), International Federation for Hydrocephalus and Spina Bifida - IF, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

The Human Rights of People living with a Rare Disease*

As NGOSs with ECOSOC Consultative Status, Thalassaemia International Federation Limited, Agrenska Foundation (Grosshandlare Axel H. Agrens Donationsfond) and International Federation for Hydrocephalus and Spina Bifida – IF, fully support the messages laid out in the contribution made by the **NGO Committee for Rare Diseases1** in the context of the open consultation by the Office of the High Commissioner for Human Rights (OHCHR) for the "Report on the contributions of the right to health framework to the effective implementation and achievement of the health-related Sustainable Development Goals"2. The submission, entitled 'Right to Health in Rare Diseases', puts forward the following messages:

Resolution 35/23, adopted by the Human Rights Council on 23 June 2017, enshrines ***"the right of everyone to the enjoyment of the highest attainable standard of physical and mental health"*** not only as a central component of the 2030 Agenda for Sustainable Development, bu.. also as an essential instrument for its actual implementation.

Health intersects in a structural way several of the Sustainable Development Goals, well beyond SDG 3 only. **The highest attainable standard of physical and mental health represents the foundational bedrock without which an individual cannot be genuinely enabled to set forth on any pursuit of life**, be it towards personal, intellectual, economic or social fulfillment. Only by upholding human rights "*to health and through health*", will the delivery of the SDGs indeed "*leave no one behind*".3

Such considerations are of particular relevance in the field of rare diseases, which gather well over 6,000 conditions, often of genetic origin but also correlated to other types of infectious or environmental agents, and which affect small to ultra-small populations of patients (typically fewer than 1 in 2,000 individuals). Most rare diseases are chronic, progressive, degenerative, disabling and frequently life-threatening. Although each disease taken in isolation is rare, the estimated 300 million affected people worldwide **share many of the same challenges, across diseases and across borders.**

Several of the challenges faced by persons with rare diseases intersect the main pillars of the "right to health" framework:

- *Accessibility* is very often one of the most severe limitations faced by persons with rare diseases. Accessibility bottlenecks are often experienced in the field of:
    - proper and timely **access to treatments and health services and care**4
    - **access to understandable information** about an individual's own condition and to an accurate and timely diagnosis5
    - **access to infrastructure**, and even more broadly of access to equal opportunities (e.g. education, career, reproductive health, etc.).

1 For further information, please refer to www.ngocommitteerarediseases.org. Please see www.ngocommitteerarediseases.org/members/ and www.ngocommitteerarediseases.org/members/executive-board/ for details of the Committee's members and of our Inception Executive Board formed 11 Nov. 2017.

2 http://www.ohchr.org/EN/Issues/ESCR/Pages/HealthFramework.aspx

3 Report of the High-Level Working Group on the Health and Human Rights of Women, Children and Adolescents (2017) "*Leading the Realization of Human Rights to Health and through Health*". [online] World Health Organisation. Available at: apps.who.int/iris/bitstream/10665/255540/1/9789241512459-eng.pdf?ua=1 [Accessed 8 Feb. 2018].

4 See "Access to treatment: Unequal care for European rare disease patients" [online] Available at: download.eurordis.org.s3.amazonaws.com/Access%20to%20treatment/access%20to%20treatment%20EN.pdf [Accessed 8 Feb. 2018].

5 See "Estudio sobre situación de Necesidades Sociosanitarias de las personas con Enfermedades Raras en España – Estudio ENSERio" [online] Available at: www.enfermedades-raras.org/images/stories/documentos/Estudio_ENSERio.pdf [Accessed 8 Feb. 2018].

- Similarly, *availability* remains very much an aspiration and a pressing need for the global rare disease community, in a time when new treatments for an immense majority of the rare diseases known to this day are yet to be invented, when more must be done to facilitate the procurement and distribution of those medicines to those population groups and in those countries where they are needed most, or when public information about rare diseases could also be made more widely available to the general public. Recent **findings indicate that nearly a quarter of persons with rare diseases in Europe did not get the medical treatment they needed in the past year because the treatment was not available in their country**.6

- The objective of *participation* is compromised by the frequent marginalisation of persons with rare diseases as an **"invisible"** population, by the burden of caregiving duties often borne by their relatives, and by the overall discrimination and stigma still often associated with rare diseases in our societies.

- Persons with rare diseases share **the same inalienable right as all others** to life, health, *good quality* of life and holistic development and *good quality* of treatment and care.

These aspects have been amply **recognised by the UN Committee on Economic, Social and Cultural Rights (CESCR)** in its General Comment No. 14 on "*The Right to the Highest Attainable Standard of Health*"7 from which it can be directly derived that the "right to health" means that persons with rare diseases must have a sufficient availability of promotive, preventive, curative, rehabilitative and supportive/palliative healthcare services, medicines, health devices and technologies that are of a reasonable standard of quality, safety, accessibility, acceptability and affordability, and that are delivered to them without discrimination or financial ruin.

We also contend that, from a broader perspective, **the specific nature of rare diseases also calls for a holistic, comprehensive and multi-disciplinary response, deeply grounded by essence in a human rights vision**.

This very need is starting to receive wider recognition and support, as illustrated by the reflections of UN Special Rapporteur on the Right to Health Prof. Dainius Puras on the occasion of the Rare Diseases International Policy Event "*The Right to Health: The Rare Disease Perspective*" on 10 February 2017 in Geneva.8

Rare diseases must be addressed as a human rights and public health issue insofar as:

- Persons, and particularly children, affected by rare diseases have a right to life, health, good quality of life and holistic development and good quality of treatment and care

- Existing gaps in research, early identification and treatment of rare diseases need to be closed

- More must be done to encourage the research and development of needed medicines, and to facilitate the procurement and distribution of those medicines to those population groups and in those countries where they are needed most

- States and public authorities must ensure existing medicines, other non-pharmacological treatments and assistive devices are affordable and accessible on a non-discriminatory basis, and where necessary in low-cost forms or versions for low-resource countries9

- A comprehensive approach to rare diseases is needed, encompassing education, research, prevention, diagnosis, care and treatment, social support and inclusion

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6 See "Access to treatment: Unequal care for European rare disease patients" [online] Available at: download.eurordis.org.s3.amazonaws.com/Access%20to%20treatment/access%20to%20treatment%20EN.pdf [Accessed 8 Feb. 2018].

7 As adopted at the 22nd CESCR Session on 11 August 2000, and accessible here: www.refworld.org/pdfid/4538838d0.pdf

8 See "*The Right to Health and Rare Diseases*" [online] Available at: download.eurordis.org.s3.amazonaws.com/rdi/2.Puras%20Presentation-%20Rare%20diseases.pptx [Accessed 8 Feb. 2018].

9 Further to the objectives of the World Health Organisation's Global Cooperation on Assistive Technology (GATE) Project, information on which can be accessed here: www.who.int/phi/implementation/assistive_technology/phi_gate/en/

- Services and support for patients and families affected by rare diseases need to be holistic and integrated to provide for the health, disability and social issues often associated with them
- Specific funding from governments for research projects on rare diseases is needed
- International patient registries and biospecimen repositories for rare diseases should be encouraged and available for appropriate use by the rare diseases community

To conclude, and based on the preceding elements, it is our firm belief that:

- There is a pressing need for the specificities of persons with rare diseases to be better understood and recognised, at all levels, so that such minority groups cease to be subject to discrimination, neglect or exclusion.
- **States have a crucial duty to raise awareness and increase knowledge about rare diseases**, and about the profound everyday consequences faced by affected individuals. This cannot be underestimated as professionals in the areas of healthcare, social services, education and employment – on whom persons with rare diseases depend in all aspect of their everyday lives – very often do not have sufficient information to properly handle the special needs of people living with rare diseases.
- **Rare diseases offer a unique and privileged terrain for the practical application of the "right to health" framework** towards the realisation of the objectives assigned to the SDGs, but also for the definition of concrete solutions that will offer tangible metrics of progress on the path to 2030.

While the vast majority of existing initiatives and efforts to deliver the objectives of the SDGs may benefit persons with rare diseases to a certain extent, in many cases they may not because of the unique nature of these small populations whose conditions are often undiagnosed, whose symptoms are not acknowledged, and whose disease progression is undocumented. **Specific compensatory actions are required, both in the form of strategies and frameworks addressing all rare diseases, and/or in the form of distinct actions for rare diseases under and within each SDG.**

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*Rare Diseases International (RDI) and European Organisation for Rare Diseases (EURORDIS), NGOs without consultative status, also share the views expressed in this statement.

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Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the European Centre for Law and Justice / Centre Européen pour le Droit et la Justice, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Atrocities being carried out against Christians and take action to put an end to it

1. INTRODUCTION

Within Nigeria exists one of the deadliest and cruellest Islamic terrorist organizations, Boko Haram. The governor of the north-eastern Nigerian state of Borno, Kashim Shettima, estimates that '[t]he Boko Haram insurgency has led to the deaths of almost 100,000 persons' with '2,114,000 persons [having] become internally displaced as [of] December of 2016, . . . 537,815 in separate camps' and another '158,201 . . . at official camps'[1]. Boko Haram targets Christians, and anyone else whom it sees as a threat to the establishment of an Islamic State.

In addition to the deadly attacks by Boko Haram, there are reports of growing conflict in the central regions of Nigeria between the predominately Muslim Fulani herdsman and the predominately Christians farmers. The Fulani Herdsman have begun attacking Christian farmers, destroying homes, churches, and even kidnapping Christians school girls in order to marry them to Muslim men[2].

We respectfully call to this Council's attention that, pursuant to the Charter of the United Nations, the very purpose of the United Nations is to 'maintain international peace and security, and to that end: to *take effective collective measures for the prevention and removal of threats to the peace*, and for the suppression of acts of aggression . . .'[3]. In addition, under the Convention on the Prevention and Punishment of the Crime of Genocide ('Genocide Convention'), '[a]ny Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the *prevention and suppression of acts of genocide*'[4].

It is clear that Boko Haram and groups such as the Fulani Herdsman pose a growing threat to Christians and others. This Council must swiftly mobilise in order to prevent these atrocities from escalating to the scale of those atrocities that we have seen occur in both Iraq and Syria. The time for action is now.

2. BACKGROUND

Nigeria, which is proving to be increasingly unsafe for Christians, is largely split between the predominately Muslim north and the predominately Christian south. Within the southern regions Christians experience religious freedom; however in the northern and central regions Christians face a true threat from Islamic militant groups such as Boko Haram and increasingly from Fulani herdsman, a group of Islamic nomadic herders[5].

Boko Haram has pledged allegiance to ISIS and utilizes its tactics of mass killings and kidnapping to instil fear and to intimidate. Its goal is to create an Islamic State, and Christians and other religious minorities are targets.

1Sani Tukur, *Shocking Revelation: 100,000 Killed, Two Million Displaced by Boko Haram Insurgency, Borno Governor Says*, PREMIUM TIMES (13 Feb. 2107), https://www.premiumtimesng.com/news/headlines/223399-shocking-revelation-100000-killed-two-million-displaced-boko-haram-insurgency-borno-governor-says.html.
2Ewelina U. Ochab, *Trump may not be Wrong on the Fulani Herdsmen Crisis in Nigeria*, FORBES (4 May 2018, 10:16 AM), https://www.forbes.com/sites/ewelinaochab/2018/05/04/trump-may-not-be-wrong-on-the-fulani-herdsmen-crisis-in-nigeria/#6b34945555ef.
3U.N. Charter art. 1, para. 1 (emphasis added).
4 Convention on the Prevention and Punishment of the Crime of Genocide, art. VIII, Dec. 9, 1948, 78 U.N.T.S. 277.
5*Nigeria*, Open Doors, https://www.opendoorsusa.org/christian-persecution/world-watch-list/nigeria/ (last visited 23 May 2018).

Boko Haram's atrocities have no limit. Horrific examples of its cruelty include: executing 59 boys in their sleep and burning down their school[6], utilizing mob violence to target Christians, and using fake preachers to massacre innocent worshipers[7]. These and countless other acts of terror and senseless sectarian violence provide an example of the gruesome and dehumanising atrocities targeting Christians and others who are vulnerable.

Children especially are at risk. According to a UNICEF report, in 2017 alone, '83 children [were] used as 'human bombs'; 55 were girls, most often under 15 years old; 27 were boys, and one was a baby strapped to a girl'[8]. Young girls – as young as eight – are the most common victims, with one in every five Nigerian suicide bombers being a child[9].

However, Boko Haram is not the only group that poses a threat to Christians living in Nigeria. It is estimated that since 2001 approximately 60,000 Christians have been killed at the hands of the Fulani Herdsman and are motivated by religious and ethnic prejudice[10].

In April of 2018, Fulani herdsman carried out an attack during Mass at a Church located in Central Nigeria. The attacks resulted in the death of 2 priests and 17 parishioners[11]. Community resident Terhemen Angor described the horrific scene:

> People started scampering and wailing. 19 persons, including Reverend Fathers Joseph Gor and Felix Tyolaha, who were gunned down in cold blood, while many sustained injuries, including bullet wounds. After attacking the church, the invaders descended on the community and razed over 60 houses, farmland, food barns, after carting away what people had in their barns[12].

A few days later, vicious radical Islamists wearing camouflage and carrying AK-47s – described as 'herdsmen' – pillaged Christian villages and burned down as many as 160 homes. The terrorists left a trail of at least 39 murdered Christians in their wake[13]. These were not random attacks. Scores of innocent people were murdered because of their Christian faith within a couple of days.

6*Nigerian Boarding School Attack by Boko Haram Gunmen Leaves 59 Pupils Dead, Officials Say*, ABC NEWS (25 Feb. 2014, 9:49 PM), http://www.abc.net.au/news/2014-02-26/scores-dead-in-boko-haram-nigeran-school-attack/5284250.

7Jessica Chasmar, *Boko Haram 'Fake Preachers' Slaughter 45 Worshippers*, THE WASHINGTON TIMES (5 June 2014), https://www.washingtontimes.com/news/2014/jun/5/boko-haram-islamists-pose-preachers-slaughter-45-w/.

8Press Release, UNICEF, Use of Children as 'Human Bombs' Rising in North East Nigeria (22 Aug. 2017), *available at* https://www.unicef.org/media/media_100686.html.

9Stefan Heunis, *Boko Haram Using More Children as Suicide Bombers, Unicef Says*, NEW YORK TIMES (12 Apr. 2016), https://www.nytimes.com/2016/04/13/world/africa/boko-haram-children-suicide-bombers-unicef-report.html?mcubz=3.

10Lindy Lowry, *In Nigeria, 39 Killed in Fulani Herdsmen Massacres—Christians Cry Out 'Enough Bloodshed'*, OPEN DOORS (2 May 2018), https://www.opendoorsusa.org/christian-persecution/stories/in-nigeria-39-killed-in-fulani-herdsmen-massacres-christians-cry-out-enough-bloodshed/.

11Kate Sheelnutt & World Watch Monitor, *Nigerian Mass Becomes a Massacre: Herdsmen Kill 18 Worshipers, Adding to Hundreds of Victims*, CHRISTIANITY TODAY (25 Apr. 2018, 12:34 PM), https://www.christianitytoday.com/news/2018/april/nigeria-fulani-attack-catholic-church-benue-boko-haram.html.

12Bukola Adebayo, *Nigeria Church Attack Leaves 19 Dead, Including Two Priests*, CNN (25 Apr. 2018), https://edition.cnn.com/2018/04/24/africa/nigeria-church-attack/index.html.

13Stoyan Zaimov, *Some 39 Nigerian Christians Massacred, Houses Burned Down in Violent Rampage*, CHRISTIAN POST REPORTER (27 Apr. 2018, 7:06 AM), https://www.christianpost.com/news/some-39-nigerian-christians-massacred-houses-burned-down-in-violent-rampage-223425/.

The President of Nigeria, Buhari, condemned these attacks stating, 'Violating a place of worship, killing priests and worshippers is not only vile, evil, and satanic, it is clearly calculated to stoke up religious conflict and plunge our communities into endless bloodletting'[14].

The government of Nigeria as well as the International Community must take action now to ensure that no more innocent lives are lost. All of Nigeria's citizens must be protected.

3. REQUEST

Clearly, horrific acts of aggression are violating the peaceful lives of Christians in Nigeria. In order to prevent further loss of life, a massive humanitarian crisis, and to end increasing religiously motivated violence, we must act now. The U.N. Charter calls on the U.N. to *remove* threats to peace, and the Genocide Convention calls on the U.N. to *prevent* acts of genocide not merely to respond to genocide. We have seen in Iraq and Syria what happens when the U.N. fails to take preventive measures when it is clear that mass atrocities are being carried out against a particular group of people. This is the only the beginning. If meaningful action is not taken now the problem in Nigeria will worsen. ISIS and ISIS affiliate groups, like Boko Haram, have shown their resiliency time and time again. When they are forced out of one area they flee in order to regroup and fight another day[15].

Action must be taken to not only stop the spread of violence within Nigeria but also the spread of violence in west Africa. Boko Haram has in fact already begun carrying out attacks in neighbouring Chad[16] and Cameroon[17].

This is why we respectfully request that this Council work with government of Nigeria in order to protect the people who are vulnerable to attack by preventing further attacks, prosecuting those who are responsible for these brutal atrocities, and providing aid and assistance to the victims.

14*Nigeria's President Decries 'Satanic' Massacre of 18, Including Two Priests, in Catholic Church*, South China Morning Post, (25 Apr. 2018, 2:20 PM), http://www.scmp.com/news/world/africa/article/2143261/nigerias-president-decries-satanic-massacre-18-including-two.

15Tyler Hicks, *Resilience of ISIS and Its Branches*, New York Times (27 Oct. 2016), https://www.nytimes.com/2016/10/28/world/africa/boko-haram-isis-nigeria-niger.html.

16*Nigeria's Boko Haram Militants Attack Chad for the First Time*, BBC News (13 Feb. 2015), http://www.bbc.com/news/world-africa-31453951.

17*Suspected Boko Haram Fighters Kill 11 in Cameroon*, Aljazeera (25 Aug. 2017), https://www.aljazeera.com/news/2017/08/suspected-boko-haram-fighters-kill-11-cameroon-170825145004120.html.

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Please recycle

Requesting that the U.N. recognise ISIS atrocities against Christians and other religious and ethnic minorities as genocide and take immediate appropriate action

1. INTRODUCTION

In February of 2018, the ECLJ submitted its fifth written and oral testimony to this Council requesting that the United Nations (U.N.) declare that ISIS is committing genocide against Christians and other religious minorities and stand against the genocide by aiding and bringing justice to the victims.

Since then, significant work has been accomplished, including the Security Council's passage of Resolution 2379 and the subsequent approval of the Secretary-General's Terms of Reference in which he stated that he will "[E]xpeditiously appoint a special adviser as head of the Investigative Team"[1]. It is critical that this mission begins without delay.

As stated in the Terms of Reference, the Investigative Team "[S]hall support domestic efforts to hold the terrorist group Islamic State in Iraq and the Levant (ISIL) . . . accountable by collecting, preserving and storing evidence in Iraq of evidence that may amount to war crimes, crimes against humanity and genocide committed by ISIL (Da'esh) in Iraq"[2].

This is only the beginning step in a long overdue process. This Council and all Member States must demand that the Special Adviser be appointed immediately. It will take time for the Investigative Team to collect and preserve the evidence of the ISIS genocide. Meanwhile, the victims are still suffering, and while ISIS is now on the run, the damage that has resulted from the ISIS genocide has created a massive humanitarian crisis. In order to provide for the lasting resettlement of Christians and other ethnic minorities there are two actions that the U.N. must take immediately.

First, the U.N. must declare that the atrocities ISIS has been carrying out against Christians and other religious and ethnic minorities constitute genocide. Second, the U.N. must provide the assistance and security necessary to allow recovery from the destruction caused by ISIS's genocide and to allow for the lasting resettlement of the victims.

2. BACKGROUND

As the ECLJ has submitted before, the actions ISIS has been carrying out against Christians and other religious minorities in Iraq and the Syrian Arab Republic clearly embody the definition of genocide as enshrined in the Convention on the Prevention and Punishment of the Crime of Genocide[3].

ISIS's systematic pattern of widespread murder and sexual abuse has forced thousands of Christians to flee from Iraq. These acts are leading to the wholesale destruction of Christians as a group in the region. Massive deportations,

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1U.N. Security Council, *Letter Dated 9 February 2018 from the Secretary-General Addressed to the President of the Security Council*, S/2018/118 (14 Feb. 2018), *available at* http://undocs.org/S/2018/118.

2*Id.*

3Genocide is "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

> (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group."

Convention on the Prevention and Punishment of the Crime of Genocide, art. II, Dec. 9, 1948.

widespread killings, and countless rapes may be construed as steps in the process of "gradual weakening of the population" that will result in a religious cleansing of all Christians from ISIS controlled territories[4].

A declaration of genocide is necessary because it opens up avenues of aid that are otherwise unavailable to the victims of the ISIS genocide and the U.N. can begin to take the steps necessary to halt the genocide and fulfil its responsibility to protect the victims.

Now that ISIS controlled areas are being liberated, Iraqi Christians have begun to return home to northern Iraq only to have to turn around and leave once again because of continued conflict in the area[5] or other reasons. The reports are bleak:

> "The reality is we cannot stay without the U.S. or the U.N. helping to protect Nineveh directly," Father Afram al-Khoury Benyamen told Fox News after Sunday mass recently at St. George Cathedral, a 133-year-old church. "With international protection maybe we can remain, but if it doesn't come soon . . . we go"[6].

"ISIS is not finished in Mosul and still they can come straight here," the priest said. "We expect more attacks. It is like staring into the darkness". He continued, "We are the original people, the indigenous people here in Iraq and the government should want us to stay. Instead there is nothing"[7]. And he explained the living conditions in his hometown this way: "The village is dirty and there is no electricity. No water coming, no markets. All of our people are thinking to immigrate and leave"[8].

As has been demonstrated, continued conflict in the area poses a hindrance to the expeditious and lasting resettlement of Iraqi Internally Displaced Persons (IDPs) in their homes. It is therefore necessary for the U.N. to take intermediate measures, as well as permanent measures, to provide aid and protection.

IDPs in Iraq are facing a grave humanitarian crisis. Information we are receiving from those working on the ground to provide assistance confirms the reality of the situation and the need for assistance in addition to providing safety and basic necessities. As IDPs begin to return home they face many legal challenges in establishing their identities and obtaining new personal identification documents. Additionally, they need assistance in obtaining documents to prove their former residences and to obtain relief from U.N. agencies. In order to provide for the true lasting resettlement of the IDPs, all these issues need to be addressed.

3. REQUEST

Again, numerous international bodies have condemned ISIS's barbaric acts as acts of genocide. Several members of this Council, such as Germany, Belgium, France, Switzerland, Costa Rica, Liechtenstein, Ecuador, and The Netherlands, have also acknowledged that ISIS is committing genocide against religious minorities. While these nations stopped short of including Christians as victims of this genocide, the recognition of genocide itself is an important step that will help protect all victims.

The growing body of evidence demonstrates that the inhuman violence at issue, is in fact, genocide as defined by the Convention. The victims of ISIS's genocide deserve the recognition and protection of the international community, yet

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4*Karadzic*, Case Nos. IT-95-5-R61, IT-9-18-R61, at ¶ 63.

5Perry Chiaramonte & Hollie McKay, *Iraqi Christians Forced to Flee Homes Again After Skirmishes Between Kurds and Central Government*, (24 Oct. 2017), http://www.foxnews.com/world/2017/10/24/iraqi-christians-forced-to-flee-homes-again-after-skirmishes-between-kurds-and-central-government.html.

6Hollie McKay, *Life after ISIS: Christians Say They Can't Go Home Without International Protection*, Fox News (5 Dec. 2017), http://www.foxnews.com/world/2017/12/05/life-after-isis-christians-say-cant-go-home-without-international-protection.html

7*Id.*

8*Id.*

the world's premier international body has failed to recognise that they are indeed victims of genocide. Time is running out and action must be taken immediately, as one Christian survivor said of the U.N.'s inaction, "[N]o one cares about us like we are not human"[9].

While the ECLJ calls for swift and decisive action by the international community to address the genocide and protect its victims, it also understands that first the U.N. *must* recognise that the atrocities ISIS has been committing constitute genocide. A declaration by this Council that ISIS is engaged in genocide against Christians and other religious minorities and action by this Council calling for the U.N. Security Council (and other appropriate organs of the U.N.) to follow suit would carry significant weight.

The U.N. must stand against the evils of the ISIS genocide and use all available options by, as we are advocating, implementing appropriate penal tribunals, administering a more efficient delivery of aid, and providing meaningful in-region protection for victims such as the establishment of safe-zones.

The U.N. must defend the rights of all religious minorities, including the Christians in Iraq, Syria, and any other place where ISIS has been engaging in genocide – without delay. The very mission of this organisation requires nothing less.

4. CONCLUSION

Therefore, the ECLJ and more than 739,000 individuals worldwide who have signed our petition, urge the U.N. to declare these atrocities as acts of genocide and to assist those seeking to return home and facilitate the ultimate and lasting resettlement of the victims of ISIS's atrocities, including those who survive the genocide.

9GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, KNIGHTS OF COLUMBUS AND IN DEFENSE OF CHRISTIANS (9 Mar. 2016), *available at* http://www.stopthechristiangenocide.org/en/resources/Genocide-report.pdf.

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Universal Periodic Review

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Please recycle

Considerations on the national report submitted by France as part of the Universal Periodic Review

The *European Centre for Law and Justice* takes note of the report submitted by France to the Working Group on the Universal Periodic Review (document A/HRC/WG.6/29/FRA/1) and wishes to make the following comments.

By ratifying the International Covenant on Civil and Political Rights, France has committed itself to protecting the family as a *"natural and fundamental group unit of society"* and to guaranteeing *"the right to life"* and *"the right to marry and to found a family"* (Article 6 (1) and Article 23 (1) and (2)).
However, every year in France, nearly 215,000 women terminate their pregnancies. More than 8 million abortions have been performed since 1975, which represents a quarter of all births. The abortion rate in France remains one of the highest in Europe and increases especially among young women: nearly 10% of high school girls in the Paris region have aborted and 31% have already taken the abortion pill (also known as the "morning after pill") at least once.

Abortion has undeniable, cultural, demographic, economic and social consequences. Forty-two percent of women who had an abortion before the age of 25 have experienced depression. Half of the women who have had an abortion suffer from suicidal thoughts. Women who have an abortion are three times more likely to experience physical, mental or sexual violence than women who complete their pregnancy. According to a 2016 IFOP survey, 89 % of French women recognize that "abortion leaves psychological marks that are difficult for women to live with" and 72 % of women believe that "society should help women to avoid abortion."

France, with regards to its international commitments, should prevent abortion in order to support and protect life and family. France has made a commitment to support the family, motherhood and children *"before as well as after birth"* (Convention on the Rights of the Child), to *"reduce the recourse to abortion"* and to *"take appropriate measures to help women avoid abortion"* (Cairo Conference, 1994). The Council of Europe also called on European states to *"promote a more pro-family attitude in public information campaigns and provide counselling and practical support to help women where the reason for wanting an abortion is family or financial pressure."* (Parliamentary Assembly of the Council of Europe, Resolution 1607, 2008).
Abortion is not inevitable; many countries have managed to reduce its use through prevention policies.

In Italy, for example, the number of abortions fell by 56% between 1982 and 2013, reaching 102,000, half as many as occur in France. Italy's abortion and contraception rates are among the lowest in Europe.
In Germany, the number of abortions decreased from 135,000 to 99,000 between 2001 and 2015, and from 13,000 to less than 5,300 in Latvia between 2004 and 2013.
In the United States, the teen pregnancy rate was cut in half between 1990 and 2010 through a campaign to empower and value sexuality and life. The number of senior year students claiming abstinence has doubled from 33% to 66%, resulting in a two-thirds reduction in abortions among young people, a decline in sexually transmitted diseases, and an improvement in their emotional and psychological balance.

Many concrete preventive measures deserve to be implemented, in particular to better educate young people, help women and empower fathers.
While many women, who would otherwise prefer not to have an abortion, resort to abortion for economic or circumstantial reasons, the new French legislation encourages abortion.
France has embarked on a policy of abortion prevention solely focused on the promotion of different methods of contraception, based on the idea that increased availability of contraception will reduce the number of unwanted pregnancies and, as a result, abortions.
However, this idea is based on a false premise because countries such as France that have a high rate of contraception also have a very high rate of abortion. This is because the generalization of contraception also has the effect of promoting risky sexual behavior. In France, where only 3% of women of childbearing age do not use contraception, the abortion rate was of 15.6 per 1,000 in 2013, significantly exceeding the European average of 12 per 1,000, which on average has an inferior contraceptive use rate.

Misuse of contraceptives only partially explains the maintenance of a high number of abortions. The WHO has estimated that even if all women were to use a method of contraception, there would still be 6 million abortions worldwide each year, contraceptive methods, of course, not being 100% reliable.

Greatly increased education on sexuality and contraception should also lead to a decrease of abortions. The article L. 121-1 (modified by the law n° 2013-595 of July 8th, 2013 - article 10) of the Code of education provides *in fine*: *"The schools, the* colleges *and the* Lycées *provide for a mission of information on violence and for an education to sexuality"*. As confirmed by Chantal Picod, Project Manager at the Ministry of National Education: *"In total, 25 % of schools and 94 % of* colleges *have set up at least one sex education sequence per year"*.
It can be observed that as gender diversity has been introduced in schools and sex education courses have been set up, the age of first sexual intercourse has steadily declined, increasing the risk of unwanted pregnancies among the youngest. According to the INED, the average age of first sexual intercourse for a woman in France in 1958 was 20.5 years, whereas today it is 17.6 years old.

Not only has the French government failed to reduce abortions, but **it promotes it by criminalizing private initiatives to dissuade women from having an abortion.**
The law of March 20, 2017 (No. 2017-347) expanded the *"offense of obstruction to abortion"* in order to intimidate any association or person to convince women or couples to keep the baby they are carrying.

> This law punishes with *"two years' imprisonment and a 30,000 euros fine preventing or attempting to prevent the practice or information about an interruption of pregnancy or the prior acts provided for in articles L. 2212-3 through L. 2212-8 by any means, including electronically or online, including the dissemination or transmission of claims or indications that may intentionally mislead for the purpose of deterrence, on the medical characteristics or consequences of an abortion"* (Article L. 2223-2 of the Public Health Code, *unofficial translation*).

The *European Centre for Law and Justice* invites the Human Rights Council to ask France to repeal this provision for the following reasons.

- This law undermines the legal security of the French because its drafting is imprecise and its application is unpredictable. The principle *nullum crimen, nulla poena sine lege* guaranteed in Article 7 of the European Convention on Human Rights requires that an offense must be clearly defined by law and prohibits the interpretation of the law extensively or by analogy. The vagueness of the definition, together with the explanatory statement and the statements of the rapporteurs of the text show that the intention is an extensive interpretation, contrary to the principle of strict interpretation of the criminal law and opens the door to arbitrariness.

- This law is contrary to Article 19, paragraph 2 of the Covenant, which states that *"Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."* However, with this law, a person expressing his point of view and giving advice to a pregnant woman could be prosecuted for trying to convince a woman to keep her baby or dissuade a woman from resorting to abortion.

- Finally, this law is contrary to the right to found a family (Article 23 of the Covenant) because the government is trying to prohibit dissuading a woman from abortion when it should guarantee the right to found a family and support the people in difficult situation and considering the use of abortion.

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Human Rights Council
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18 June-6 July 2018
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by Coordination des Associations et des Particuliers pour la Liberté de Conscience, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-09224(E)
1809224

Please recycle

Arbitrary Detention – China

0. Introduction

0.1. As NGO specialized in religious liberty issues, we would like to call your attention on cases of arbitrary detention in China of members of a Christian new religious movement, The Church of Almighty God.

1. Historical Background

1.1. In China, in 1989, a religious revival involved both the House Churches (i.e. the Protestant Churches whose activity is not authorized by the government) and the religious movement known as the Shouters. In the same year 1989, the person later identified as Almighty God by her followers began participating in meetings of the Shouters. In 1991, she began to utter words that followers compared, for authority and power, to those expressed by Jesus Christ. Many Christians started reading these utterances and believing they were "what the Spirit says to the Churches" (Rev 2:7, 17). In 1993, they started believing that their author was the incarnate God, the second coming of Jesus Christ and Almighty God, the unique God. Among these was Zhao Weishan, who would later become the administrative leader of the movement. The movement, born in 1991, became known as The Church of Almighty God (CAG, also known as Eastern Lightning). While stating that God incarnated in our time in a female human being, the CAG never mentions her name. Several scholars believe that she is Yang Xiangbin, a woman born in 1973 in northwestern China.

1.2 In the mid-1990s, a severe persecution targeted both the Shouters and the CAG. Since then the CAG has been continuously and severely persecuted in China. In 2000, Zhao and Yang went to the United States, and in 2001 they were granted political asylum. Since then, they have directed the movement from New York (Introvigne 2017b).

1.3 China, according to the CAG, is both where Almighty God has appeared as the "Eastern Lightning" mentioned by the Bible (*Matthew*, 24:27) and where the evil "Great Red Dragon" of the *Book of Revelation* manifested itself in the semblance of the Chinese Communist Party (CCP) and its persecution of Christians. This criticism of the CCP is one of the causes of the persecution of the CAG in China, although the CAG teaches that the Dragon will fall by itself under the weight of its error, and does not advocate any uprising or revolution.

2. Accusation of Crimes

2.1 Paradoxically, new impetus to the previously scarce academic study of CAG by Western specialists of new religious movements was given in 2017 by the Chinese authorities themselves. The Chinese Anti-*Xie-Jiao* Association, which has direct ties with the CCP, invited twice several leading Western scholars to seminars organized in Zhengzhou, Henan, in June, and in Hong Kong in September, devoted to exploring the notion of *xie jiao* (sometimes translated as "evil cults," but meaning in fact "heterodox teachings," and to offer critical perspectives on CAG. One of the scholars was Massimo Introvigne, managing director of one of the NGOs signing this submission (CESNUR). See the article published in the Web site of Chinese governmental media conglomerate *KKNews* (2017).

2.2 During these academic exchanges, as they usually do, Chinese authorities tried to justify the persecution of the CAG by arguing that its members committed serious crimes. However, the documents supplied by the same Chinese authorities on the most famous of these crimes, the homicide of a woman in a McDonald's diner in Zhaoyuan in 2014, proved that the assassins were *not* members of the CAG. They belonged in fact to a different religious movement that, while using the words "Almighty God" in its name, regarded as Almighty God(s) returned to Earth persons different from the one the CAG recognizes as Almighty God, and had nothing to do with the CAG. In fact, the assassins themselves declared they were not members of the CAG that is led by Zhao Weishan and struck by the CCP authorities (Introvigne 2017a; Introvigne and Bromley 2017).

2.3 Other accusations of violence and other crimes were also studied by scholars and appeared equally groundless (Folk 2017; Introvigne 2018).

2.4 It is also important to note that China started persecuting the CAG several years before the alleged crimes, confirming that the persecution was not motivated by accusations of crimes but by the CAG's doctrine, regarded as incompatible with CCP's ideology.

3. Legal Framework

3.1 Members of the CAG are imprisoned in China for "using" a *xie jiao*. This is purely a "crime of conscience," and does not imply any use of violence, or other illegal activity, except the fact itself of belonging to a *xie jiao*.

3.2 Article 300 of the Chinese Criminal Code makes "using" a *xie jiao* a crime punishable with jail penalties from three to seven years "or more" (Permanent Mission n.d). Not all decisions of the Chinese courts are published online, but thousands of them are. There is a vast number of published decisions where members of *xie jiao*, particularly of the CAG (listed as a *xie jiao* since 1995), were sentenced to long jail penalties (often exceeding seven years) based on Article 300. It is clear from these decisions that "using a *xie jiao*" is interpreted as "being active in a *xie jiao*" in any capacity. In fact, having been found in possession of literature of the CAG, or having tried to convert others to the Almighty God faith, have been regarded as sufficient evidence of being guilty of the crime punished by Article 300 (see e.g. China Judgements Online 2014, 2017).

3.3 *Xie jiao* are legally defined as "illegal organizations, which, through fraudulent use of religion (…) or by fabricating and spreading superstitious fallacies and other means to confuse and deceive others (…), control group members and harm society" (The Supreme People's Procuratorate 2017). In practice, such vague definitions mean that groups that are regarded as *xie jiao* are those that are included in the lists of *xie jiao* periodically updated by the Chinese authorities. The CAG has constantly been included in all lists of *xie jiao* published since 1995 (Irons 2018).

4. Arbitrary Detention

4.1 From no. 3 above is clear that those arrested, sentenced, and detained for "using a *xie jiao*," in this case the CAG, are detained simply for their exercise of their freedom of religion.

4.2 Enclosure 1 is a list of exemplary cases of CAG members detained for no other crime than "using a *xie jiao*," i.e. practicing and preaching their faith. Documents on each case can be submitted upon request. http://www.freedomofconscience.eu/wp-content/uploads/2018/05/enclosure-CAG-UN-2018.pdf

4.3 Two typical cases are detailed in Enclosure 2, with supporting documents in Enclosures 3 and 4. http://www.freedomofconscience.eu/wp-content/uploads/2018/05/enclosure-CAG-UN-2018.pdf

Respectfully submitted.
Paris, May 24, 2018

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Human Rights Council
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Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

Palestinian refugees in Jordan

The Palestinian Return Centre is deeply concerned with the situation of Palestinian refugees in Jordan specifically those without Jordanian citizenship, and would like to bring to the Council's attention the human rights abuses and hardships endured by this community.

According to UNRWA's records as of 2016, there are 2,175,491 registered Palestinian refugees in Jordan.1 Of these, the majority have a Jordanian National ID number, 158,000 are Gazan refugees holding temporary-two year passports without a National ID number2 and nearly 17,000 are Palestinian Refugees from Syria (PRS) with Syrian travel documents.3 The living situations of Palestinian refugees are deteriorating as UNRWA's Social Safety Net Programme providing quarterly assistance to the abject poor4 is being implemented sporadically,5 and the Jordanian government is raising the prices of all essential goods, including basic food commodities, electricity, medication and fuel. While the situation of Palestinian refugees in Jordan is better than in other UNRWA operation areas given that a large number of them hold Jordanian citizenship.

Palestinian Children of Jordanian Mothers

The most recent available data from 2014 indicates that 52,660 Jordanian women were married to Palestinian men.[6] These women are unable to transfer their citizenship to their foreign offspring given Jordan's patrilinial nationality law that is discriminatory according to gender. Article 3 of law No.6 of 1954 on Nationality clearly states: that 'any person whose father holds Jordanian nationality'[7] is deemed to be a Jordanian national, Article 9 re-emphasises this by stating 'the children of a Jordanian man shall be Jordanian wherever they are born.'[8] The usage of the words 'father' and 'man' excludes Jordanian women's ability to exercise their rights as citizens when it comes to their offspring. This law not only contravenes the Jordanian constitution itself which calls for an elimination of discrimination, but it also goes against Jordan's international human rights obligations.

The right to citizenship and nationality is highlighted in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),[9] Article 9:

1. States parties shall grant women equal rights with men to acquire, change or retain their nationality
2. States parties shall grant women equal rights with men with respect to the nationality of their children.[10]

The children of these Jordanian women married to Palestinian men are immensely vulnerable to human rights violations, exploitation and abuse. Although the Government of Jordan has tried to mitigate these negative effects by issuing a 'Children of Jordanian Mothers Benefit Card,' the reality on the ground proves that these cards have been futile in reducing the obstacles Palestinian and other foreign children of Jordanian women face.1112 The card was

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1 "Jordan | UNRWA", *UNRWA*, last modified 2017, accessed January 20, 2017, https://www.unrwa.org/where-we-work/jordan

2 "Protection in Jordan." UNRWA. March 2018. accessed March 12, 2018. https://www.unrwa.org/activity/protection-jordan.

3 Amin, K. (2017). *Health & Status of Palestine Refugees from Syria In Jordan: Situational Analysis*. John Snow Inc. (JSI).

4 "Social Safety Net Programme." UNRWA. Accessed May 22, 2018. https://www.unrwa.org/what-we-do/social-safety-net-programme.

5 Interview with Palestinian Refugees from Gaza in Jordan. No public announcement has been made regarding this issue.

6 "I Just Want Him to Live Like Other Jordanians" Treatment of Non-Citizen Children of Jordanian Mothers. Report. April 2018. Accessed April 2018. P. 19 https://www.hrw.org/sites/default/files/report_pdf/jordan0418_web.pdf

7 *Law No. 6 of 1954 on Nationality (last amended 1987)*, 1 January 1954, available at: http://www.refworld.org/docid/3ae6b4ea13.html

8 Law *No. 6 of 1954 on Nationality (last amended 1987)*, 1 January 1954, available at: http://www.refworld.org/docid/3ae6b4ea13.html

9 Ratified by Jordan in 1992

10 UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: http://www.refworld.org/docid/3ae6b3970.html [accessed 1 March 2018]

11 "I Just Want Him to Live Like Other Jordanians" Treatment of Non-Citizen Children of Jordanian Mothers. Report. April 2018. Accessed April 2018. https://www.hrw.org/sites/default/files/report_pdf/jordan0418_web.pdf

supposed to provide its holders with: the right to own, the right to invest, the right to attend public schools and universities for the national fees, the right to access healthcare services, the right to obtain a service driving license, as well as the right to join the civil service.13 As for labour rights, these individuals will be given 'second priority after Jordanian citizens in all professions, including ones they were not allowed to work previously, and they will be exempted of any work permit fees.'14 However, based on submissions by different NGOs to the Committee on the Elimination of Discrimination against Women's discussion on Jordan at its 66th session from 13 February – 3 March 2017, many of the rights promised were never actualised.15 Children of Jordanian women who are Palestinian refugees holding temporary two-year passports, specifically those originally from Gaza are still not permitted to own property, issue driving licenses, join the civil service or work without permits.16 17 The fact that the decision was never published in the Official Gazette has resulted in many public entities and departments marginalising the card, and disregarding the obligation to grant Palestinian children of Jordanian mothers their rights.

Furthermore, Palestinian refugee children from Syria, whose mothers are Jordanian face additional discriminatory policies when applying and attempting to obtain the benefit card as the benefit card does not extend to children with no passports or whose fathers are stateless and holders of travel documentation obtained from other countries.18 This contravenes Jordan's obligations towards limiting children's statelessness and discriminatory policies towards them as in Article 2 of the Convention on the Rights of the Child: 'State parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.'19 In conclusion, while HRC Resolution 32/7 'calls upon States to ensure that effective and appropriate remedies are available to all persons, in particular women and children, whose right to a nationality has been violated, including restoration of nationality and expedient provision of documentary proof of nationality by the State responsible for the violation,'20 it could be concluded that the issuance of a Benefit Card falls short of being an effective remedy.

Chronic Poverty, Failing UNRWA Safety Net

The majority of Palestinian refugees in Jordan with no citizenship are poor, or extremely poor living below the poverty line of 814JD.21 This situation of chronic poverty is caused by the restrictive labour laws which contravene Jordan's obligations under the ICESCR and CERD both of which in Articles 6 and 5 respectively recognise the freedom to

12 Maher Shawabkeh. "Rights of Children of Jordanian Mothers from Foreign Fathers Are Still Restricted." *Al Hayat*, May 1, 2017. Accessed March 2, 2018. http://www.alhayat.com/Articles/21604888/حقوق-صغار-الأردنيات-من-الآباء-أجانب-لا-تزال-مقوصة.

13 Ibid

14 Gov't Announces Privileges for Children of Jordanian Women Married to Foreigners." Gov't Announces Privileges for Children of Jordanian Women Married to Foreigners - Jordan Vista. November 4, 2014. Accessed March 4, 2018. http://www.vista.sahafi.jo/art.php?id=65dcc35987d5f466ab6bb972120987660 0ea8f7a

15 Ibid | *Submission by Equality Now, SIGI, My Mother Is Jordanian and Her Nationality Is a Right to Me, Equal Nationality Rights and AWO to the Committee on the Elimination of Discrimination against Women*. January 22, 2017. Http://tbinternet.ohchr.org/Treaties/CEDAW/Shared Documents/JOR/INT_CEDAW_NGO_JOR_26323_E.pdf. | *CEDAW Shadow Report*. January 2017. Submitted by Arab Women Organization (AWO) Mosawa Network, Http://tbinternet.ohchr.org/Treaties/CEDAW/Shared Documents/JOR/INT_CEDAW_NGO_JOR_26477_E.pdf.

16 Based on a number of interviews with Palestinian refugees children of Jordanian women conducted by the PRC team.

17 I Just Want Him to Live Like Other Jordanians" Treatment of Non-Citizen Children of Jordanian Mothers. Report. April 2018. Accessed April 2018. https://www.hrw.org/sites/default/files/report_pdf/jordan0418_web.pdf

18 PRC interview and correspondence with a Jordanian mother whose children are Palestinian refugees from Syria.

19 UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: http://www.refworld.org/docid/3ae6b38f0.html [accessed 20 May 2018]

20 UN Human Rights Council, *The right to a nationality: women's equal nationality rights in law and in practice : resolution / adopted by the Human Rights Council*, 18 July 2016, A/HRC/RES/32/7, available at: http://www.refworld.org/docid/57e910044.html [accessed 18 May 2018]

21 "Jerash Camp." UNRWA. Accessed January 20, 2018. https://www.unrwa.org/where-we-work/jordan/jerash-camp.

choose employment and right to work, without distinction as to race, colour, or national or ethnic origin.2223 Palestinians without citizenship are restricted from 19 professions in addition to being unable to join any formal profession requiring syndicate membership or work in the private sector wherein proof of nationality and clearance from the General Intelligence Department are pre-requisites to employment. The majority of these refugees thus become dependent on donations received from NGOs and other funds operating in Jordan, as well as UNRWA's Social Safety Net Programme. This programme targets the 'abject poor' which includes an e-ration card with 10JDs per person and cash assistance of 10 JDs per person delivered on a quarterly basis. The eligibility criteria specify that an individual must be unable to work due to a health condition that renders him 85% unable as measured by medical centres. Firstly, this meagre quarterly aid provided is insufficient for refugees, most of who live on less than $1.25 a day.24 Secondly, many poor but working Palestinian refugees, or those whose medical assessments do not render them 85% unable to work are excluded from receiving this support. With the Jordanian government's decision to lift subsidies off general food commodities and in turn expand the social assistance provided to poor Jordanians, the unchanging UNRWA support leaves Palestinian refugees alone to cope with basic sustenance they cannot afford. UNRWA is thus urged to reconsider the targeting criteria implemented and review the amount of cash distributed taking into account inflation.

Conclusion

The enforced statelessness on Palestinian refugees born to Jordanian mothers, and the discriminatory policies restricting the employment opportunities for Palestinian refugees with no national IDs perpetuate a situation of a chronic poverty amongst the community. Consequently, the Palestine Return Centre calls on Mr. President and the Distinguished Members of the Council to:

- Demand the Jordanian government to comply with the treaties it has ratified including the ICCPR, ICESR, CERD, and CAT as compliance would ensure stronger protection of the human rights of Palestinian refugees with no national ID number.
- Take strong measures to ensure Jordan's compliance with its obligations on non-discriminatory nationality law in accordance with CEDAW and CERD and in line with the HRC's past resolutions 'The Right to a Nationality – Women and Children' ' and 'The Right to a Nationality – Women's Equal Nationality Rights in Law and Practice.'
- Urge Jordan to apply the benefits accorded by the Children of Jordanian Mothers Benefit Card uniformly and without distinction as to the legal status or nationality or lack thereof of the father till such a time as the nationality law is amended.
- Support Jordan's efforts towards the Palestinian refugee community and encourage the discontinuation of its discriminatory employment policies when it comes to the Palestinian population lacking citizenship
- Finally, urgently aid UNRWA in Jordan in order aid the organisation in continuing and expanding its assistance and services to the beneficiary community.
- Pressure Israel to recognize and implement Palestinian refugees right of return as stipulated in UN resolution 194

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22 UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: http://www.refworld.org/docid/3ae6b36c0.html

23 UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, available at: http://www.refworld.org/docid/3ae6b3940.html

24 Åge Tiltnes and Huafeng Zhang, *Progress, Challenges, Diversity Insights Into The Socio-Economic Conditions Of Palestinian Refugees In Jordan* (Norway: Fafo, 2013), accessed June 17, 2017. P, 8.
https://www.unrwa.org/sites/default/files/insights_into_the_socio-economic_conditions_of_palestinian_refugees_in_jordan.pdf.

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Human Rights Council
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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Federation of Western Thrace Turks in Europe, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

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Please recycle

Juridical investigations and lawsuits against representatives of the Turkish community in Western Thrace as an instrument of political pressure and intimidation

The Federation of Western Thrace Turks in Europe (ABTTF) is concerned about acts of political intimidation against representatives and religious leaders of the Turkish community in Western Thrace, of which status was established by the 1923 Lausanne Treaty.

Juridical investigations against representatives and religious leaders i.e. elected muftis in particular have revealed that there is political pressure against the Turkish community, while this situation threatens the right to freedom of speech and expression for the community members.

In the year 2016, the president and the vice-president of the Friendship, Equality and Peace(FEP) Party were called to make their depositions in the criminal complaint filed by the neo-Nazı Golden Dawn Party for the "Search for Justice" march organized by the FEP Party on 24 July 2016[1]. The party president made his deposition once again in October 2016 in relation to an investigation for his speech during the FEP Party's 4th General Congress on 22 May 2016 about the Party's founder and first President Dr. Sadık Ahmet's stolen car, in which he lost his life in an accident[2].

In December 2016, the Mayor of Iasmos (Yassıköy) Municipality İsmet Kadı was sentenced to a four-month-imprisonment, because he allegedly used the official car outside the municipality borders and for his personal affairs. On 19 December 2016, the Mayor was stopped by the police while driving in the vehicle after leaving his children to the school in the morning.[3]

In December 2017, Koray Hasan, former chairman of Komotini Turkish Youth Union, established in 1928 and dissolved in 1983 for the word "Turkish" in its name, appeared before the judge because that he made refurbishment in the club house without taking permission. Furthermore, the former chairman was previously called to bear testimony in the investigation for the frame in Turkish on the wall of the clubhouse[4].

Not only representatives of the Turkish community were filed criminal complaints for their speeches and actions on various grounds in the year 2017, but also the religious leaders who were elected by the Turkish community in Xanthi and Komotini were filed many complaints for their religious services and for their speeches.

The Elected Mufti of Komotini, İbrahim Şerif was subjected to seven juridical investigations within ten months in 2017. On 9 November 2017, Şerif was called to testify at the Komotini Police Department upon the order of the Public Prosecutor of Alexandroupolis on the ground that he executed Friday prayer with Western Thrace Turks in the Turkish village Musaköy (Komara) in Evros in 2016.

There is a lawsuit filed against İbrahim Şerif with the charge of usurping the office of the mufti. Mufti Şerif is charged with performing activities at a mass circumcision ceremony for the Western Thrace Turks in Alankuyu neighborhood in the city of Komotini in December 2016 by interfering in the mandate of the Mufti appointed by the state. Concerning this issue, İbrahim Şerif said, "The actual situation was very different from the claims of the prosecution. We attended the event over the request of fellow Muslims. I'm charged with organizing a religious event, as religious authorities, we need to provide religious services to those requesting help"[5].

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1 http://milletgazetesi.gr/view.php?id=5336

2 http://www.debpartisi.org/indexENG1.php?s=detailsENG&id=4742

3 http://www.gundemgazetesi.com/haberyunanistan/detay/2457

4 http://www.birlikgazetesi.net/haberler/13572-koray-hasanin-bakanliisona-erd-ama-mahkemelerde-kovalamaca-devam-edyor-.html

5 https://www.aa.com.tr/en/europe/greece-mufti-to-be-tried-for-usurping-authority/1083573

There are two lawsuits against Ahmet Mete, Elected Mufti of Xanthi. Ahmet Mete was sentenced to seven-month imprisonment on 13 November 2017 with the charge of usurping the office of the Mufti at the funeral of a young minority member Ahmet Katunlu who lost his life in 2016 during his military service, because Ahmet Mete led the prayer during the funeral. During the memorial ceremony on 14 July 2016, the appointed Mufti of Xanthi, who is not recognized by community members, wanted to make the prayer at the funeral, however community members voiced their strong objection and wanted Mete to lead the prayer. Ahmet Mete appealed the decision of the domestic court, there will be a hearing at the Three-Judge Appeal Court in Thessaloniki on 21 September 2018.

The second lawsuit against Ahmet Mete has been filed with the charge of causing discrimination among the Greek citizens in Thrace and disrupting the public order and peace for his speech in which he drew a parallel between Rauf Denktaş, former president of the Turkish Republic of Northern Cyprus and the president of the FEP Party Mustafa Ali Çavuş at the FEP Party's Congress in May 2016. Ahmet Mete appeared before the judge on 28 November 2017, the hearing was postponed to 26 June 2018.

ABTTF would like to remind that the right of the Turkish community to choose its own religious leaders has been granted and guaranteed by the 1881 Convention of Constantinople and the 1913 Treaty of Athens that Greece signed with the Ottoman Empire. The election of the religious leaders was incorporated into Greek domestic legislation in 1920 with a procedure which enabled the Turkish community to determine their own religious leaders i.e. muftis in Rhodope, Xanthi and Didymoteicho. However, Greece abolished this right by the appointment of muftis by the Ministry of Education and Religious Affairs by Presidential Decree of December 24, 1990 and Law no. 1920/1991 on Muslim religious instructors. In reaction to the violation of religious autonomy, the community elected their own Muftis as their own religious leaders in Komotini and Xanthi.

Today in Western Thrace there is a dual structure where there are muftis appointed by the state and muftis elected by Western Thrace Turkish community. In 1995-1996, elected muftis in Komotini and Xanthi were prosecuted and sentenced to prison for usurping the functions of Mufti and publicly wearing the dress and using the religious symbols of Mufti. Ibrahim Şerif applied to the ECtHR, and the Court ordered in 1999 that there has been a violation of Article 9(freedom of religion or belief) of the Convention in the case of Şerif v. Greece[6].

ABTTF urges the Government of Greece to protect, respect and promote the rights of the Turkish minority guaranteed by the Treaty of Lausanne and other bilateral and multilateral agreements with no further interventions. Recalling that every person should have a right to freedom of expression and the right to freely to profess and practice their religion in the framework of freedom of religion or belief, ABTTF demands from Greek authorities to stop intimidation and deterrence against representatives and religious leaders of the Turkish community. ABTTF demands from the Greek government to ensure that Turkish community enjoys its right to elect its own religious leaders as other known religions in Greece.

6 Case of Serif v. Greece(Application no. 38178/97) and Case of AGGA v. Greece (Application no. 32186/02)

United Nations A/HRC/38/NGO/69

General Assembly

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Human Rights Council
Thirty-eighth session
18 June-6 July 2018
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human rights in the Occupied Gaza Strip

1. The Palestinian Return Centre (PRC) would like to bring to the council's attention the recent Israeli massacre of Palestinians during the Great March of Return protests taking place in the besieged Gaza Strip.

2. Palestinians are protesting because of the continued siege on the Gaza Strip for more than 11 years, and to demand the international community to recognize and implement their right to return to their homes and lands from which they were displaced in 1948.

3. Since the 30th March: 112 Palestinians, including 13 children, have been murdered by Israel; 13,190 have been injured (3,630 by live fire); 32 have needed limbs amputated.1

4. The United Nations had called for an inquiry into the killings which has been denied by Israeli authorities. Four UN experts including Michael Lynk, UN special Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967, released a statement condemning the killings by Israeli security forces of Palestinian protesters near the Gaza fence and noted that:

> 'Israeli forces used live ammunition and teargas against the demonstrators, who had gathered in occupied Gaza on the occasion of Land Day to call for their right to return to their homes. Most of Gaza's population - which has been subjected to a comprehensive air, land and sea blockade by Israel for 10 years - is comprised of Palestinians who have been forcibly expelled from their homes and lands since 1948.'[2]

5. Human Rights Watch concluded that the murder of Palestinians in Gaza was 'unlawful' and 'calculated' and that Israeli 'officials green-light shooting of unarmed demonstrators.' 'Israeli soldiers were not merely using excessive force but were apparently acting on orders that all but ensured a bloody military response to the Palestinian demonstrations,' said Eric Goldstein, deputy Middle East director at Human Rights Watch. 'The result was foreseeable deaths and injuries of demonstrators on the other side of a border who posed no imminent threat to life.'[3]

6. The Israeli forces responded to Palestinians' legitimate right to protest a brutal siege by firing rubber bullets and tear gas canisters as well as live ammunition. According to Amnesty International analysis victims were shot in the upper body, including the head and chest and some from behind which shows they were deliberately killed or injured while posing no immediate threat to the Israelis.

7. In addition, many injuries resulted in extreme bone and tissue damage which is likely to lead to further complications, there is also high number of injuries to the knees which increase the probability of bullet fragmentation which suggests that Israeli army is intentionally intending to inflict life changing injuries. Gaza hospitals are unable to deal with the high number of injuries due to lack of electricity and medical supplies and Israel has been denying or refusing to transfer some of the patients in need of urgent specialised medical treatment in the West Bank.

8. Amnesty International has called for an arms embargo on Israel due to its disproportionate and unlawful killings of peaceful protesters. The UN Secretary General as well as the OHCHR has called for independent investigation into the killing of peaceful protesters and use of excessive force by the Israeli forces. UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein stated "The loss of life is deplorable, and the staggering number of injuries caused by live ammunition only confirms the sense that excessive force has been used against demonstrators – not once, not

1 https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/who-health_cluster-special-sitrep-on-_gaza-may_13-22.pdf

2 http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22924&LangID=E

3 https://www.hrw.org/news/2018/04/03/israel-gaza-killings-unlawful-calculated

twice, but repeatedly, I am doubly concerned by reports of unusually severe injuries resulting from the use of live ammunition. Furthermore, many of those seeking treatment outside of Gaza have been refused permits by Israel to leave, which has increased the suffering."[4]

9. The events of the Great March of Return shows once again Israel's continuous disregard of international laws and Palestinians lives. The international community should do more to protect innocent civilians who when decided to call for their basic rights after 11 years of siege and 50 years of occupation and 70 years of displacement, were met with brutal force.

10. PRC calls on governments to pressure Israel to implement the right of return of Palestinian refugees to their homeland and to publicly condemn Israel's extrajudicial killings. PRC also calls on member states of the Human Rights Council to consider accountability measures against Israel. PRC welcomes the Human Rights council decision hold an independent fact-finding mission to investigate Israeli crimes against Palestinians.

4 http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22995&LangID=E